

Law & Major Contracts Meeting Agenda



800 Michaelian Office Bldg.
148 Martine Avenue, 8th Floor
White Plains, NY 10601
www.westchesterlegislators.com

Committee Chair: David Imamura

Monday, February 5, 2024

9:30 AM

Committee Room

CALL TO ORDER

Joint with Budget & Appropriations committee.

Please note: Meetings of the Board of Legislators and its committees are held at the Michaelian Office Building, 148 Martine Avenue, White Plains, New York, 10601, and remotely via the WebEx video conferencing system. Legislators may participate in person or via Webex. Members of the public may attend meetings in person at any of its locations, or view it online on the Westchester County Legislature's website:

<https://westchestercountyny.legistar.com/> This website also provides links to materials for all matters to be discussed at a given meeting.

Legislator Colin Smith will be participating remotely from 1132 Main Street, Suite 1, Peekskill, NY 10566.

Legislator Emijana Ulaj will be participating remotely from 520 White Plains Road, Tarrytown, NY 10591.

MINUTES APPROVAL

Thursday, January 18, 2024 at 10:45 a.m.

I. ITEMS FOR DISCUSSION

1. [2024-20](#) ACT - Amend Outside Counsel Agreement with The Wicks Group, PLLC

AN ACT authorizing the County of Westchester to further amend an outside counsel agreement with the Wicks Group, PLLC for the provision of various legal services related to the Westchester County Airport, by increasing the not-to-exceed cap by an additional SEVENTY-FIVE THOUSAND (\$75,000) DOLLARS.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND LAW & MAJOR CONTRACTS

Guest: Law Dept.: County Attorney John Nonna

2. [2024-37](#) ACT - Lawsuit Settlement of Bocek v County of Westchester

AN ACT authorizing the County Attorney to settle the lawsuit of John Bocek and Tonya Bocek v County of Westchester, in the amount of ONE HUNDRED SEVENTY-FIVE THOUSAND

(\$175,000) DOLLARS, inclusive of attorney's fees.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND LAW & MAJOR CONTRACTS

Guest: Law Dept.: Deputy County Attorney Jane Hogan-Felix

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT

Westchester County

George Latimer
County Executive

Office of the County Attorney

John M. Nonna
County Attorney

January 2, 2024

Westchester County Board of Legislators
800 Michaelian Office Building
White Plains, New York 10601

Dear Honorable Members of the Board of Legislators:

Transmitted herewith is an Act which, if adopted by your Honorable Board, would authorize the County of Westchester (the "County") to further amend an outside counsel agreement (the "Agreement") with the Wicks Group, PLLC (the "Firm") for the provision of legal services relating to the Westchester County Airport (the "Airport"), by increasing the not-to-exceed cap by an additional \$75,000.00.

On February 7, 2022 by Act No. 2022-4, your Honorable Board authorized the County to retain the Firm for the provision of outside counsel services related to the Airport, as needed, concerning matters in which the Firm has specific expertise not otherwise available in-house, including, but not limited to, compliance with federal law and FAA regulations, application and enforcement of the terminal use procedures, the terminal use agreement and airport tenant agreements within the regulatory environment, as well as developments in airport law, for a one (1) year term commencing on January 1, 2022 and continuing through December 31, 2022. In consideration for services rendered, Act No. 2022-4 authorized the County to pay the Firm at the blended hourly rate of \$380.00 for all lawyers, not-to-exceed the aggregate sum of One Hundred Thousand (\$100,000.00) Dollars.

Thereafter, on March 6, 2023 by Act No. 2023-52, your Honorable Board authorized the County to retroactively amend the Agreement with the Firm to extend the term thereof for an additional six (6) months, from January 1, 2023 through June 30, 2023, and to increase the not-to-exceed cap by an additional Fifty-Thousand (\$50,000.00) Dollars, from an amount not-to-exceed One Hundred Thousand (\$100,000.00) Dollars, to an amount not-to-exceed One Hundred Fifty Thousand (\$150,000.00) Dollars.

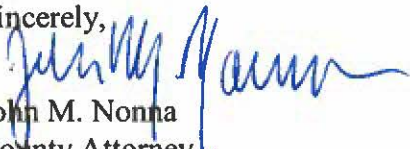
Thereafter, on June 20, 2023 by Act No. 2023-120, your Honorable Board authorized the County to further amend the Agreement with the Firm to extend the term thereof from July 1, 2023, until a final disposition and/or order of the Delux Public Charter, LLC et al and White Plains Aviation Partners LLC cases (the "Charter Cases"), or until the County determines, in its sole discretion, to terminate the Agreement. Act No. 2023-120 further authorized the County to amend the Agreement to increase the not-to-exceed cap by an additional Fifty-Thousand (\$50,000.00) Dollars, from an amount not-to-exceed One Hundred Fifty Thousand (\$150,000.00) Dollars, to an amount not-to-exceed Two Hundred Thousand (\$200,000.00) Dollars.

The County continues to require the services of the Firm in connection with the Charter Cases. However, all of the \$200,000.00 currently authorized under the Agreement has been expended. In order to be able to compensate the Firm going forward, it will be necessary to further amend the Agreement in order to increase the not-to-exceed amount by an additional \$75,000.00, from an amount not-to-exceed \$200,000.00, to a new total amount not-to-exceed \$275,000.00. Your Honorable Board is advised that for the aforesaid services rendered to the County by the Firm, the Firm will continue to be paid at the blended rate of Three Hundred Eighty (\$380.00) Dollars per hour for all lawyers.

The Planning Department has advised that the proposed outside counsel agreement does not meet the definition of an action under New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617. As such, no environmental review is required. Please refer to the memorandum from the Department of Planning dated January 12, 2023, which is on file with the Clerk of the Board of Legislators.

Accordingly, I respectfully recommend your Honorable Board's approval of the attached Act.

Sincerely,



John M. Nonna
County Attorney

JMN/jpg/nn

**HONORABLE BOARD OF LEGISLATORS
THE COUNTY OF WESTCHESTER**

Your Committee is in receipt of a communication from the County Attorney recommending the enactment of an Act which, if adopted by this Honorable Board, would authorize the County of Westchester (the “County”) to further amend an outside counsel agreement (the “Agreement”) with the Wicks Group, PLLC (the “Firm”) for the provision of various legal services in connection with the Westchester County Airport (the “Airport”), by increasing the not-to-exceed cap by an additional \$75,000.00.

On February 7, 2022 by Act No. 2022-4, your Honorable Board authorized the County to retain the Firm to provide outside counsel services related to the Airport, as needed, concerning matters in which the Firm has specific expertise not otherwise available in-house, including, but not limited to, compliance with federal law and FAA regulations, application and enforcement of the terminal use procedures, the terminal use agreement and airport tenant agreements within the regulatory environment, as well as developments in airport law, for a one (1) year term commencing on January 1, 2022 and continuing through December 31, 2022. In consideration for services rendered, Act No. 2022-4 authorized the County to pay the Firm at the blended hourly rate of \$380.00 for all lawyers, not-to-exceed the aggregate sum of One Hundred Thousand (\$100,000.00) Dollars.

Thereafter, on March 6, 2023 by Act No. 2023-52, your Honorable Board authorized the County to retroactively amend the Agreement with the Firm to extend the term thereof for an additional six (6) months, from January 1, 2023 through June 30, 2023, and to increase the not-to-exceed cap by an additional Fifty-Thousand (\$50,000.00) Dollars, from an amount not-to-exceed One Hundred Thousand (\$100,000.00) Dollars, to an amount not-to-exceed One Hundred Fifty Thousand (\$150,000.00) Dollars.

Thereafter, on June 20, 2023 by Act No. 2023-120, your Honorable Board authorized the County to further amend the Agreement with the Firm to extend the term thereof from July 1, 2023 until a final disposition and/or order of the Delux Public Charter, LLC et al and White Plains Aviation Partners LLC cases (the “Charter Cases”), or until the County determines, in its sole discretion, to terminate the Agreement. Act No. 2023-120 further authorized the County to amend the Agreement to increase the not-to-exceed cap by an additional Fifty-Thousand (\$50,000.00) Dollars, from an amount

not-to-exceed One Hundred Fifty Thousand (\$150,000.00) Dollars, to an amount not-to-exceed Two Hundred Thousand (\$200,000.00) Dollars.

The County Attorney has advised your Committee that the County continues to require the services of the Firm in connection with the Charter Cases. However, all of the \$200,000.00 currently authorized under the Agreement has been expended. In order to be able to compensate the Firm going forward, it will be necessary to further amend the Agreement in order to increase the not-to-exceed amount by an additional \$75,000.00, from an amount not-to-exceed \$200,000.00, to a new total amount not-to-exceed \$275,000.00. Your Committee is advised that for the aforesaid services rendered to the County by the Firm, the Firm will continue to be paid at the blended rate of Three Hundred Eighty (\$380.00) Dollars per hour for all lawyers.

The Planning Department has advised that the proposed outside counsel agreement does not meet the definition of an action under New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617. As such, no environmental review is required. Please refer to the memorandum from the Department of Planning dated January 12, 2023, which is on file with the Clerk of the Board of Legislators.

Your Committee is informed that this contract will be funded through the Airport Special Revenue Fund. As such, no tax levy funds will be involved.

An affirmative vote of a majority of the voting strength of the Board is required for approval of the attached Act.

Accordingly, your Committee concurs with the County Attorney's recommendation and requests approval of the attached Act.

Dated: _____, 2024
White Plains, New York

COMMITTEE ON

c.jpg/11.29/23

FISCAL IMPACT STATEMENT

SUBJECT: Wicks Group, PLLC

NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

GENERAL FUND

AIRPORT FUND

SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ 75,000

Total Current Year Revenue _____

Source of Funds (check one): Current Appropriations Transfer of Existing Appropriations

Additional Appropriations Other (explain)

Identify Accounts: 161- 44- 4110- 4420

Potential Related Operating Budget Expenses: Annual Amount \$75,000

Describe: An Act authorizing the County of Westchester to further amend an outside
counsel agreement with the Wicks Group, PLLC for the provision of various legal
services related to the Westchester County Airport, by increasing the NTE by \$75,000.

Potential Related Operating Budget Revenues: Annual Amount _____

Describe: n/a

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: n/a

Next Four Years: n/a

Prepared by: Debra Ogden

Title: Sr. Budget Analyst

Department: Budget

Date: June 1, 2023

Reviewed By: 

Budget Director

Date: 7/4/2024

ACT NO. 2024 - _____

AN ACT authorizing the County of Westchester to further amend an outside counsel agreement with the Wicks Group, PLLC for the provision of various legal services related to the Westchester County Airport, by increasing the not-to-exceed cap by an additional \$75,000.00.

BE IT ENACTED by the Board of Legislators of the County of Westchester, as follows:

Section 1. The County of Westchester (the “County”) is hereby authorized to further amend an outside counsel agreement (the “Agreement”) with the Wicks Group, PLLC (the “Firm”), pursuant to which the Firm agreed to provide various legal services to the County relating to the Westchester County Airport (the “Airport”), for a term commencing on January 1, 2022 and continuing until a final disposition and/or order in the Delux Public Charter, LLC et al and White Plains Aviation Partners LLC cases, or until the County determines, in its sole discretion, to terminate the Agreement, for a total amount not-to-exceed of Two Hundred Thousand (\$200,000.00) dollars, payable at the blended rate of Three Hundred Eighty (\$380.00) Dollars per hour for all lawyers, in order to increase the not-to-exceed cap by an additional Seventy-Five Thousand (\$75,000.00) dollars, from an amount not-to-exceed Two Hundred Thousand (\$200,000.00) dollars, to a new total amount not-to-exceed of Two Hundred Seventy-Five Thousand (\$275,000.00) dollars.

§2. All other terms and conditions of the Agreement, as amended, shall remain in full force and effect.

§3. The County Executive or his authorized designee, be and hereby is authorized to execute all instruments and to take all actions reasonably necessary to carry out the purposes of this Act.

§4. This Act shall take effect immediately.

George Latimer
County Executive

Office of the County Attorney

John M. Nonna
County Attorney

January 18, 2024

Westchester County Board of Legislators
County of Westchester
800 Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Re: Request for authorization to settle the lawsuit of Jonathan Bocek and Tonya Bocek v County of Westchester, in Supreme Court Westchester County, Index No. 67007/2021, in the amount of \$175,000.00 inclusive of attorney's fees.

Dear Honorable Members of the Board:

Attached for your consideration is an Act, which if enacted by your Board, would authorize the settlement of the lawsuit of Jonathan and Tonya Bocek v County of Westchester, in the amount of \$175,000.00 inclusive of attorney's fees.

This matter is pending in the Westchester County Supreme Court before the Honorable Damaris E. Torrent. The lawsuit tentatively settled at a settlement conference, pending this Board's approval, in the amount of \$175,000.00, inclusive of attorney's fees.

Rachel Ciccone, Esq. of Kommer Bave & Ciccone LLP, 4 West Red Oak Lane-Suite 102, White Plains, New York 10604, is representing the plaintiffs, Jonathan and Tonya Bocek.


This lawsuit arises out of an incident that occurred at the Kensico Dam Plaza on May 14, 2021. Plaintiff was watching his son's saber light show practice when he felt a pebble in his shoe. He leaned on an electrical control panel and removed the pebble from his shoe. When he placed his foot back on the ground he claims he felt a shock go through the entire right side of his body. He immediately complained of pain and weakness in his right arm and leg. He sought treatment from his primary physician and was diagnosed with arthropathy and neuropathy consistent with electrical injury and was prescribed physical therapy. He treated with a physical therapist for his right side, arm, hand and leg weakness and was thereafter diagnosed with aggravation of degenerative hip osteoarthritis which necessitated a total hip replacement. He claims that he was required to change jobs as a result of his injury.



At trial plaintiff will claim that the County was negligent for failing to properly wire the electrical control panel. He will argue that the County failed to warn him of the danger. The plaintiff will further argue that the County's negligence was the proximate cause of his injuries.

The settlement takes into consideration the uncertainty of litigation and the potential costs of trial, subsequent proceedings and potential appeal. The accompanying Act will authorize settlement of the lawsuit entitled of Jonathan Bocek and Tonya Bocek v County of Westchester, in the amount of \$175,000.00, Westchester County Supreme Court Index No. 67007/2021, inclusive of attorney's fees.

Very truly yours,



John M. Nonna
County Attorney

JMN/jhf

BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee is in receipt of a proposed Act, which if enacted by your Board, would authorize the settlement of the lawsuit of Jonathan Bocek and Tonya Bocek v. County of Westchester, in the amount of \$175,000.00 inclusive of attorney's fees.

This matter is pending in the Westchester County Supreme Court before the Honorable Damaris E. Torrent. The lawsuit tentatively settled at a settlement conference, pending this Board's approval, in the amount of \$175,000.00, inclusive of attorney's fees.

Rachel Ciccone, Esq. of Kommer Bave & Ciccone LLP, 4 West Red Oak Lane-Suite 102, White Plains, New York 10604, is representing the plaintiffs, Jonathan and Tonya Bocek.

This lawsuit arises out of an incident that occurred at the Kensico Dam Plaza on May 14, 2021. Plaintiff was watching his son's saber light show practice when he felt a pebble in his shoe. He leaned on an electrical control panel and removed the pebble from his shoe. When he placed his foot back on the ground he claims he felt a shock go through the entire right side of his body. He immediately complained of pain and weakness in his right arm and leg. He sought treatment from his primary physician and was diagnosed with arthropathy and neuropathy consistent with electrical injury and was prescribed physical therapy. He treated with a physical therapist for his right side, arm, hand and leg weakness and was thereafter diagnosed with aggravation of degenerative hip osteoarthritis which necessitated a total hip replacement. He claims that he was required to change jobs as a result of his injury.

At trial plaintiff will claim that the County was negligent for failing to properly wire the electrical control panel. He will argue that the County failed to warn him of the danger. The plaintiff will further argue that the County's negligence was the proximate cause of his injuries.

The settlement takes into consideration the uncertainty of litigation and the potential costs of trial, subsequent proceedings and potential appeal. The accompanying Act will authorize settlement of the lawsuit entitled of Jonathan Bocek and Tonya Bocek v County of Westchester, in the amount of \$175,000.00, Westchester County Supreme Court Index No. 67007/2021, inclusive of attorney's fees.

Your Committee has carefully considered the subject matter, the settlement proposal, the attached Act and recommends authorizing the County Attorney or his designee to settle the lawsuit entitled Jonathan Bocek and Tonya Bocek v County of Westchester et al., in the amount of \$175,000.00, Westchester County Supreme Court Index No. 67007/2021, inclusive of attorney's fees.

An affirmative vote of a majority of the Board is required to pass this legislation.

Dated: White Plains, New York

, 2024

COMMITTEE ON

ACT NO. -2024

AN ACT authorizing the County Attorney to settle the lawsuit of John Bocek and Tonya Bocek v County of Westchester, Westchester County Supreme Court Index No. 67007/2021, in the amount of \$175,000.00, inclusive of attorney's fees

BE IT ENACTED by the Board of Legislators of the County of Westchester as follows:

Section 1. The County Attorney is authorized to settle the lawsuit of Jonathan Bocek and Tonya Bocek v. County of Westchester, Westchester County Supreme Court Index No. 67007/2021, in the amount of \$175,000.00, inclusive of attorney's fees.

Section 2. The County Attorney or his designee is hereby authorized and empowered to execute and deliver all documents and take such actions as the County Attorney deems necessary or desirable to accomplish the purpose of this Act.

Section 3. This Act shall take effect immediately.

FISCAL IMPACT STATEMENT

SUBJECT: Lawsuit Settlement: Johnathan Bocek NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

GENERAL FUND

AIRPORT FUND

SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ 175,000

Total Current Year Revenue \$ -

Source of Funds (check one): Current Appropriations Transfer of Existing Appropriations

Additional Appropriations

Other (explain)

Identify Accounts: 6N Fund: 615 59 0701 4510 4280 04

Potential Related Operating Budget Expenses: Annual Amount N/A

Describe: Settlement of General Liability Claim(BI)Bocek, Jonathan G210027

Potential Related Operating Budget Revenues: Annual Amount N/A

Describe: _____

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: N/A

Next Four Years: N/A

Prepared by: Jane Hogan-Felix

Title: Deputy County Attorney

Department: Law

Date: January 4, 2024

Reviewed By: 
Budget Director

Date: 1/7/24